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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 April 2011</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) <u>157-219</u> is/are pending in the application.

   5a) Of the above claim(s) <u>182-200</u> is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) <u>157-181 and 201-219</u> is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>ALL latest submittals</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114 was filed in this

application after a decision by the Board of Patent Appeals and Interferences, but

before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or

the commencement of a civil action. Since this application is eligible for continued

examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution

in this application has been reopened pursuant to 37 CFR 1.114. Applicant's

submission filed on 4/30/2011 has been entered.

2.   *Priority:* 10/17/2000

3.   *Status of Claims:*

        Claims 1-56 are cancelled.

        Claims 157-181, 201-219 are pending.

        Claims 182- 200 are withdrawn.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 209, 210-219 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

       a.   Claim 209 "physically exists" is not in original specification.

       b.   Claim 210 "learning from data" is not in original specification.

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claim 159 is   rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Particularly,

       Claim 159 "a market value", is vague, and is different than "market value" of

claim 157 line 11? Make proper correction.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 157, 158-163, 165-167, 169-176, 178-180, 201-206, 208-214, 216-219

are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman et al.

(hereinafter Baseman – US 6,671,673) in view of Sandretto (US 5,812,988) and

Tamayo et al. (hereinafter Tamayo - US 6,836,773).]

Re. Claim 157, Baseman discloses measuring a plurality of risks using at least a portion

of said data under a plurality of scenarios [See entire document, at least Abstract;

Figures 1-3; Col. 1 lines 7-10, 25-30, Col. 6 lines 22-33, Col. 8 lines 21-27];

identifying one or more risk management activities based upon said risks [Col. 5

lines 55-65, Col. 6 lines 1-9, 22-33, Col. 14 lines 37-49, Col. 23 lines 34-47];

calculating an amount of capital available for said risk management activities

using at least a portion of said data [Col. 2 lines 5-14, Col. 2 line 49 to Col. 3 line 18,

lines 35-45 (investment planning, budgets, hedging), Col. 8 lines 9-15, Col. 11 lines 32-

33 (investment analysis)]; and

determining a combination of said risk management activities that optimizes

aspects of an enterprise financial performance selected from the group consisting of

market value, risk and combinations thereof within a constraint of the available capital

[Col. 11 lines 17-40, Col. 27 lines 17-32, lines 58-63; Col. 28 lines 16-25 (risk, maximize

shareholder value)], real option and where the risk comprises at least one contingent

liability [Col. 5 lines 32-41, Col. 17 lines 17-21 (share-holder value), Col. 23 lines 55-59,

Col. 10 lines 19-26 – see also value-at-risk].

Baseman explicitly does not disclose preparing data from a plurality of enterprise systems and one or more external databases for processing, and where the market value comprises one or more real options.

Sandretto discloses where the market value comprises one or more real options and where the market value comprises one or more real options [see entire document relevant to market evaluation, at least see, Abstract; Figures 1-14; Col. 2 lines 22-65, Col. 26 lines 48-57, Col. 29 lines 53-64 (option, call, put)], to hedge risk by pricing bond option or other derivative instruments. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and include the above feature disclosed by Sandretto to include real option as a pricing model which is not complex [Col. 26 lines 48-66].

Tamayo discloses preparing data from a plurality of enterprise systems and one or more external databases for processing [Abstract; Figure 11; Col. 1 lines 37-47; Col. 2 line 8-12, lines 22-24, Col. 6 line 29 through Col. 7 line 19, Col. 13 lines 40-55] to automatically collect and integrate data from different sources to be use in process of generating prediction or recommendation cost effectively [Col. 3 line 10]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and include preparing data from a plurality of enterprise transaction systems for use in processing, as discloses by Tamayo, to collect data form enterprise wide system and format (prepare) different types for addressing risk management.

Re. Claims 158-163, 165-167, Baseman discloses wherein the a market value further comprises one or more categories of value selected from the group <u>consisting</u> of an current operation, market sentiment and combinations thereof [Supra; Col. 3 lines 16-17, Col. 5 lines 32-41];

wherein the a risk management activities are selected from the group <u>consisting</u> of establishing one or more risk management control systems, completing one or more risk transfer transactions and combinations thereof [Col. 6 lines 22-40, Col.7 lines 20-33];

wherein establishing each of the one or more risk management control systems further comprises identifying a risk reduction activity and optionally establishing a method for implementing said activity in an automated fashion [Col. 10 lines 12-13];

wherein completing the one or more risk transfer transactions further comprises completing activities selected from the group <u>consisting</u> of insurance purchases, derivate transactions, and combinations thereof [col. 5 lines 32-55; col. 15 lines 6-14 (options = financial instrument) insurance and underwriting are known for transfer of risks];

developing a computational model of the market value by category of value, element of value and external factor by completing a series of multivariate analyses in an automated fashion and quantifying the a plurality of risks by a category of value using said model

where the categories of value are selected from the group <u>consisting</u> of current operation, real option, market sentiment and combinations thereof [Supra, Col. 17 lines 35-38, Col. 8 lines 16-27];

an optimization of one or more aspects of financial performance selected from the group <u>consisting</u> of current operation value, real option value, market sentiment value and combinations thereof [Col. 1 lines 25-38; Col. 3 lines 35-40, Col. 5 lines 32-41],

wherein determining an optimal combination of risk management activities further comprises using an algorithm selected from the group <u>consisting</u> of quasi Monte Carlo, genetic algorithm, multi-criteria linear programming and linear programming [Col. 8 lines 16-42].

wherein the plurality of risks comprise one or more risks selected from the group <u>consisting</u> of event risks,, volatility and contingent liabilities and a measured risk consists of an expected reduction in the market value

where the expected reduction in value from the contingent liabilities is measured using a real algorithm [Supra, Col. 16 line 50 through Col. 17 line 10].

168   wherein the enterprise physically exists and the market value further comprises at least one category of value where a change in a value of said category of value is nonlinear and depended upon at least two of one or more elements of value and one or more external factors and wherein a value of the contingent liability is dependent upon at least two of one or more elements of value and one or more external factors [Supra,

Col. 4 lines 17-45, Col. 5 lines 15-30, Col. 23 lines 34-66, Col. 24 lines 63-67 (credit

risk, funding cost and cost of capital implies non-linear dependent on interest rate risk)].

Sandretto discloses wherein the plurality of scenarios consists of scenarios selected

from the group consisting of normal, extreme and a combinations thereof [Col. 11 lines

28-40 (include/exclude index)].

Re. Claim 169, Baseman discloses developing a model of an enterprise market value

from said data [Supra, Col. 4 lines 17-36],

     measure a plurality of risks using at least a portion of said data under a plurality

of scenarios with said model [Col. 1 lines 7-10, lines 25-30 (various performance

measures), Col. 6 lines 22-33];

     identify one or more risk management activities based upon said risks [Col. 17

lines 35-38, Col. 8 lines 16-27];

     calculate an amount of capital available for said risk management activities using

at least a portion of said data [Col. 2 line 49 through Col. 3 line 18, lines 35-45

(investment planning, budgets, hedging), Col. 8 lines 9-15, Col. 11 lines 32-33

(investment analysis)]; and

     determine a combination of said risk management activities that optimizes

aspects of an enterprise financial performance selected from the group consisting of

market value, risk and combinations thereof within a constraint of the available capital

[Col. 11 lines 17-40; Col. 27 lines 17-32, lines 58-63, Col. 28 lines 16-25 (risk)

(maximize shareholder value)]

where the value comprises one or more categories of value where a change in a value of said categories of value is nonlinear and where the risk comprises at least one contingent liability [Col. 4 lines 1-12, Col. 4 lines 17-45, Col. 23 lines 34-66, Col. 24 lines 63-67 (credit risk, funding cost and cost of capital implies non-linear dependent on interest rate risk)].

Baseman explicitly does not disclose market value and networked computers each with a processor having circuitry to execute instructions;

a storage device available to each processor with one or more sequences of instructions stored therein, which when executed cause the processors to:

prepare data from a plurality of enterprise systems, the Internet, and one or more external databases for processing.

Sandretto discloses market value [see entire relevant document for market value, model, & risk, at least see Abstract; Figures 1-14]. . It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Baseman and Sandretto to determine market value of each class of assets to be incorporated into overall shareholder value of the company.

Tamayo discloses networked computers each with a processor having circuitry to execute instructions; a storage device available to each processor with one or more sequences of instructions stored therein, which when executed cause the processors to: prepare data from a plurality of enterprise systems, the Internet, and one or more external databases for processing [Col. 1 lines 37-47; Col. 2 line 8-12, lines 22-24, Col. 6 line 29 through Col. 7 line 27, Col. 13 lines 40-55], to automatically collect and

integrate data from different sources to be use in process of generating prediction or

recommendation cost effectively. It would have been obvious at the time the invention

was made to a person having ordinary skill in the art to modify the disclosure of

Baseman and include preparing data from a plurality of enterprise transaction systems

for use in processing, as discloses by Tamayo, to collect data form enterprise wide

system and format (prepare) different types for addressing risk management.

Re. Claims 170-176, 178-180, Baseman discloses wherein the one or more categories

of value are selected from the group consisting of current operation, real option, market

sentiment and combinations thereof [Supra, Col. 5 lines 32-41].

172   wherein the combination of a risk management activities are selected from the

group consisting of establishing one or more risk management control systems,

completing one or more risk transfer transactions and combinations thereof [col. 6 lines

22-40; col.7lines 20-33],

173   wherein establishing each of the one or more risk management control systems

further comprises identifying a risk reduction activity and optionally establishing a

method for implementing said activity in an automated fashion [Col. 10 lines 12-43],

174   wherein completing the one or more risk transfer transactions further comprises

completing activities selected from the group consisting of insurance purchases,

derivate transactions, and combinations thereof [col. 5 lines 32-55; col. 15 lines 6-14

(options = financial instrument) insurance and underwriting are known for transfer of

risks],

175   wherein measuring a plurality of risks further comprises:

developing a computational model of the market value by category of value,

element of value and external factor and quantifying a plurality of risks by a category of

value using said model,

where the categories of value are selected from the group <u>consisting</u> of current

operation, real option, market sentiment and combinations thereof [Supra, col. 17 lines

35-38, col. 8 lines 16-27, [col. 17 lines 35-38, col. 8 lines 16-27].

176   wherein the enterprise physically exists and the enterprise market value (value-at

risk or shareholder value) comprises at least one category of value where a change in a

value of said category of value is nonlinear and dependent upon at least two of one or

more elements of value and one or more external factors and wherein a value of the

contingent liability is dependent upon at least two of one or more elements of value and

one or more external factors [Supra, Col. 4 lines 17-45, Col. 23 lines 34-66, Col. 5 lines

15-30, Col. 24 lines 63-67 (credit risk, funding cost and cost of capital implies non-linear

dependent on interest rate risk)].

178   an optimization of one or more aspects of financial performance selected from

the group <u>consisting</u> of current operation value, real option value, market sentiment

value and combinations thereof as well as an identification of one or more activities that

are not related to risk management that optimize the market value or the combination of

the market value and risk [Supra, Col. 4 lines 30-35, Col. 27 lines 1-5, col. 17 lines 35-

38, col. 8 lines 16-27].

179   wherein determining an optimal combination of risk management activities further

comprises using an algorithm selected from the group consisting of quasi Monte Carlo,

genetic algorithm, multi-criteria mixed integer and linear programming [col. 8 lines 16-

42], and

180   wherein the plurality of risks are selected from the group consisting event risks,

contingent liabilities and volatility and the measured risks each consist of an expected

reduction in the market value where the expected reduction in market value from the

contingent liabilities is measured using a real option algorithm [Supra, Col. 12 lines 30-

51, Col. 4 lines 15-45, Col. 23 lines 34-66, Col. 24 lines 63-67 (credit risk, funding cost

and cost of capital implies non-linear dependent on interest rate risk)].

170   Sandretto discloses wherein the plurality of scenarios are selected from the

group consisting of normal, extreme and a combinations thereof [Supra]

Re. Claim 201, Baseman discloses developing a model of an enterprise market value

from said data [Supra, Col. 4 lines 17-36], measuring a plurality of risks using at least a

portion of said data under a plurality of scenarios [Supra, Col. 1 lines 7-10, 25-30, Col. 6

lines 22-33, Col. 8 lines 21-27];

        calculating an amount of capital available for said risk management activities

using at least a portion of said data [Col. 2 lines 5-14, Col. 2 line 49 to Col. 3 line 18,

lines 35-45 (investment planning, budgets, hedging), Col. 8 lines 9-15, Col. 11 lines 32-

33 (investment analysis)];

determining a combination of said risk management activities that optimizes

aspects of an enterprise financial performance selected from the group <u>consisting</u> of the

market value, the measured risks and combinations thereof within a constraint of the

available capital [Col. 11 lines 17-40, Col. 27 lines 17-32, lines 58-63; Col. 28 lines 16-

25 (risk, maximize shareholder value)]

Baseman does not disclose using a computer with a processor to complete at

least one of the step of: aggregating and preparing data from a plurality of enterprise

related systems, one or more external databases and the Internet for processing;

developing a model of an enterprise market value from said data; measuring a

plurality of risks using, the model of enterprise market value and at least a portion of

said data under a plurality of scenarios; and identifying one or more risk management

activities based upon said risks; and where the market value comprises one or more

categories of value where a change in a value of at least one of the categories of value

is nonlinear and where the measured risks comprise one or more expected reductions

in the market value where a change in the value of at least one of the expected

reductions in market value is nonlinear.

Sandretto discloses, developing a model of an enterprise market value from said

data [Abstract; Figures 1-10 and associated descriptions; Col. 8 lines 6-20]; identifying

one or more risk management activities based upon said risks [Col. 11 lines 17-67];

measuring a plurality of risks using, the model of enterprise market value and at least a

portion of said data under a plurality of scenarios [Col.], and where the market value

comprises one or more categories of value where a change in a value of at least one of

the categories of value is nonlinear and where the measured risks comprise one or more expected reductions in the market value where a change in the value of at least one of the expected reductions in market value is nonlinear [Supra, Col. 6 lines 1-37, Col. 14 line 62 though Col. 15 line 18]. It would have been obvious to one skill in the art at the of invention to combine the disclosure of Basemen and Sandretto to provide a computer method and system to calculate the estimate the net present value of a corporation and its market value accounts/considers number of economic factors which has impact on the value.

Tamayo Using a computer with a processor to complete at least one of the step of: aggregating and preparing data from a plurality of enterprise related systems, one or more external databases and the Internet for processing [T Col. 1 lines 37-47; Col. 2 line 8-12, lines 22-24, Col. 6 line 29 through Col. 7 line 19, Col. 13 lines 40-55]. It would have been obvious to one skill in the art at the of invention to combine the disclosure of Basemen, Sandretto and Tamayo to provide a system for calculate the estimate the net present value of a corporation and its market value, where the enterprise data is collected from various sources.

Re. Claim 202, Baseman discloses identifying a combination of risk management activities that optimize one or more aspects of financial performance selected from the group consisting of current operation value, real option value, market sentiment value and combinations thereof [Supra; Col. 3 lines 16-17, Col. 5 lines 32-41].

Re. Claim 203, Baseman discloses wherein the one or more categories of value are
selected from the group <u>consisting</u> of current operation, real option and market
sentiment [Supra; Col. 3 lines 16-17, Col. 5 lines 32-41].

Re. Claim 204, Baseman discloses wherein plurality of risks are selected from the group
<u>consisting</u> of event risks, contingent liabilities and volatility and combinations thereof
and the measured risks each consist of an expected reduction in the market value
where the expected reduction in market value from the contingent liabilities is measured
using a real option algorithm [Col. 8 lines 16-42, Col. 12 lines 30-51, Col. 4 lines 15-45,
Col. 23 lines 34-66, Col. 24 lines 63-67 (credit risk, funding cost and cost of capital
implies non-linear dependent on interest rate risk), Col. 16 line 50 through Col. 17 line
10].

205   Sandretto further discloses wherein the plurality of scenarios are selected from
the group <u>consisting</u> of normal, extreme and combinations thereof where each of the
scenarios comprise a forecast of a of plurality of future values for a plurality of factors
and indicators that have an impact on the market value [Supra].

Re. Claim 206, Baseman discloses wherein the one or more a risk management
activities are selected from the group <u>consisting</u> of establishing one or more risk

management control systems, completing one or more risk transfer transactions and combinations thereof [col. 6 lines 22-40; col.7 lines 20-33].

Re. Claim 208, Baseman discloses wherein the model of the enterprise market value identifies a contribution of one or more elements of value and one or more external factors to each of one or more categories of value, and wherein measuring the plurality of risks further comprises quantifying said risks by a categories of value using said model, where the one or more categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof [Supra, col. 17 lines 35-38, col. 8 lines 16-27, [col. 17 lines 35-38, col. 8 lines 16-27]

Re. Claim 209, Basement discloses wherein the enterprise physically exists and the market value further comprises at least one category of value where a change in a value of said category of value is nonlinear and depended upon at least two of one or more elements of value and one or more external factors and wherein a value of the contingent liability is dependent upon at least two of one or more elements of value and one or more external factors [Supra, Col. 4 lines 17-45, Col. 5 lines 15-30, Col. 23 lines 34-66, Col. 24 lines 63-67 (credit risk, funding cost and cost of capital implies non-linear dependent on interest rate risk)]

Re. Claim 210, claim 210 is rejected with same rational as claim 201.

Re. 211, Baseman discloses wherein the enterprise value model consists of one or more category of value models where the categories of value are selected from the group <u>consisting</u> of current operation, real option, market sentiment and combinations thereof [[Supra; Col. 3 lines 16-17, Col. 5 lines 32-41].

212   wherein the one or more a risk management activities are selected from the group <u>consisting</u> of establishing one or more risk management control systems, completing one or more risk transfer transactions and combinations thereof [Col. 6 lines 22-40, Col.7 lines 20-33],

213   wherein completing the one or more risk transfer transactions further comprises completing activities selected from the group <u>consisting</u> of insurance purchases, derivate transactions and combinations thereof [col. 5 lines 32-55; col. 15 lines 6-14 (options = financial instrument) insurance and underwriting are known for transfer of risks],

214   wherein the plurality of risks are selected from the group <u>consisting</u> of event risks, contingent liabilities, volatility and combinations thereof and the measured risks each consist of an expected reduction in the enterprise value where the expected reduction in enterprise value from the contingent liabilities is measured using a real option algorithm [Supra, col. 8 lines 16-42, Col. 16 line 50 through Col. 17 line 10],

216. optimization of one or more aspects of financial performance selected from the group <u>consisting</u> of current operation value, real option value, market sentiment value and combinations thereof as well as an identification of one or more activities that are

not related to risk management that optimize the market value or the combination of the market value and risk [Supra, Col. 4 lines 30-35, Col. 27 lines 1-5, col. 17 lines 35-38, col. 8 lines 16-27].

217   wherein the enterprise value changes in a nonlinear manner and the measured risks change in a nonlinear manner

where the nonlinear change in the enterprise value comprises a change in a value selected from the group consisting of a nonlinear change in a value of a current operation, a nonlinear change in a value of a market sentiment category of value, a change in a value of one or more real options and combinations thereof [Supra, Col. 4 lines 17-45, Col. 5 lines 15-30, Col. 23 lines 34-66, Col. 24 lines 63-67 (credit risk, funding cost and cost of capital implies non-linear dependent on interest rate risk)], and

where the nonlinear change in the measured risks comprises a change in an expected reduction in value caused by a change in an expected reduction in value selected from the group consisting of a nonlinear change in an expected reduction in value of a current operation, a nonlinear change in an expected reduction in value of a market sentiment category of value, a change in a value of one or more contingent liabilities and combinations thereof [Supra; Col. 3 lines 16-17, Col. 5 lines 32-41],

218   wherein the enterprise value comprises at least one category of value where a change in a value of said category of value is nonlinear and dependent upon at least two of one or more elements of value and one or more external factors and the measured risks comprise at least one expected reduction in value that is dependent

upon at least two of one or more elements of value and one or more external factors [Supra, Col. 17 lines 35-38, Col. 8 lines 16-27],

219   Sandretto discloses wherein the plurality of scenarios consists of two or more scenarios selected from the group <u>consisting</u> of normal, extreme and a combination thereof where a scenario comprises a forecast of a plurality of future values for a plurality of factors and indicators [Col. 11 lines 28-40 (include/exclude index)].

9.   Claims 164, 177, 207 and 215 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman, Sandretto and Tamayo, as applied to claims 157, 163, 169, 210 above, and further in view of Packwood (US 7,006,992).

Re. Claims 164, 177, 207 and 215, Packwood discloses measuring the plurality of risks by element of value and external factor where the elements of value physically exist and are selected from the group <u>consisting</u> of alliances, brands, customers, employees, information technology, partnerships, processes, production equipment, vendors and combinations thereof [thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Baseman, Sandretto, Tamayo and Packwood to provide a enterprise evaluation method and system to identify a series of predetermined risk factors which are quantified with a measurable characteristic.

10. Claims 168, 181 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman, Sandretto and Tamayo, as applied to claim 157, 169 above, and further in view of Ranger (US 6,301,584).

Re. Claim 168, Ranger discloses using metadata mapping to convert, integrate and store a plurality of enterprise related data from a plurality of enterprise related systems in accordance with a metadata standard where a metadata standard is selected from the group <u>consisting</u> of xml and metadata coalition <u>specification and a metadata mapping table is used to support the integration,</u> conversion and storage of data [col. 3 lines 30-38; col. 5 line 42 to col. 6 line 23; col. 10 lines 1-40; col. 12 line 59 to col. 13 line 5] to collect relevant information located at a *plurality* of sites and stored in *plurality* of incompatible formats according to configurable search strategies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Baseman, Sandretto and Tamayo and Ranger and include using metadata mapping to extract data from data sources and integrate into a model and present to the user in improved and different format.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARISH T. DASS whose telephone number is (571)272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kyle Charles can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HARISH T DASS/
Primary Examiner, Art Unit 3695

Tuesday, January 17, 2012